

#2
2152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

01/23/03

In re Patent Application of

PERHOLTZ et al.

Serial No. 10/032,325

Filed: December 31, 2001



Atty. Ref.: 2540-550

Group: 2152

Examiner: M. Geckil

For: SYSTEM AND METHOD FOR REMOTE MONITORING
AND OPERATION OF PERSONAL COMPUTERS

* * * * *

October 15, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RECEIVED

OCT 17 2002

Technology Center 2100

LETTER / RESPONSE

Responsive to the telephonic conversation with Examiner Joseph Narcavage,
attached is a copy of the "Assent of Assignee" for the above-identified application.

The Commissioner is hereby authorized to charge any deficiency in the fee(s)
filed, or asserted to be filed, or which should have been filed herewith (or with any paper
thereafter filed in this application by this firm) to our **Account No. 14-1140**.

Respectfully submitted,

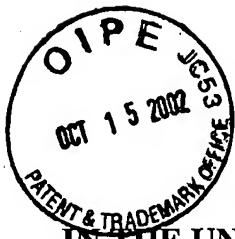
NIXON & VANDERHYE P.C.

By:

J. Scott Davidson
Reg. No. 33,489

JSD:twg

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



PATENT
Attorney Dkt: 2540-550

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

)
In re Continuation of Reissue Application of:)
Perholtz, Ronald J. et al. (U.S. No. 5,732,212)) Group Art Unit: Unassigned
Issued March 24, 1998)
)
Serial No.: 10/032,325) Examiner: Unassigned
)
Filed: December 31, 2001)
)

For: SYSTEM AND METHOD FOR REMOTE MONITORING
AND OPERATION OF PERSONAL COMPUTERS

RECEIVED

OCT 17 2002

Technology Center 2100

ASSENT OF ASSIGNEE

Honorable Commissioner of Patents and Trademarks
BOX PATENT APPLICATION
Washington, DC 20231

Sir:

In accordance with 37 CFR § 1.172, Cybex Computer Products Corporation, of Huntsville, Alabama USA, the sole assignee of the captioned patent, hereby assents to the filing of the continuation patent application (application number 10/032,325) in the United States Patent Office claiming priority from reissue application no. 09/228,747 (filed January 12, 1999) of the captioned patent.

Cybex Computer Products Corporation submits that it has ownership of the captioned patent for which reissue is sought, and in accordance with 37 CFR § 3.73 provides herewith documentary evidence of a chain of title from the original owner to the assignee. In this regard, the assignee attaches thereto true and accurate copies of the following:

PERHOLTZ, R., et al.
App Serial No.: 10/032,325

- (1) Assignment dated January 12, 1994 from RONALD J. PERHOLTZ and ERIC J. ELMQUEST to Fox Network Systems, Inc., recorded in the US Patent Office on January 13, 1994 at reel 6851 frame 0749.
- (2) Assignment from Fox Network Systems, Inc. to Cybex Computer Products Corporation, dated November 20, 1998, submitted for recordation to the United States Patent Office on December 15, 1998.

The undersigned has reviewed these attached documents and in accordance therewith, as well as on information and belief, believes title to the captioned patent to be vested in Cybex Computer Products Corporation and that Cybex Computer Products Corporation has the right to seek reissue.

Cybex Computer Products Corporation further requests that any reissue patent upon such application be granted to Cybex Computer Products Corporation in accordance with 37 CFR § 1.172(b).

Cybex Computer Products Corporation

By:  _____

Date: _____



540-581-08/180824

A/D

Docket No. 0462-3

RECOMMENDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patent and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Ronald J. Perholtz and Eric J. Elmquest

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies):

Name: Fox Network Systems, Inc. Technology Center 2100

Street Address: 1620 Chester Mill Road

City Silver Spring State Maryland ZIP 20906

Additional name(s) & address(es) attached? Yes No

3. Name of Conveyance: 19

Assignment

Merger

Security Agreement

Change of Name

Other

Execution Date: January 12, 1994

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 1994

Title: SYSTEM AND METHOD FOR ACCESSING AND OPERATING PERSONAL COMPUTERS REMOTELY

A: Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Evan R. Smith, SIXBEY, FRIEDMAN, LEEDOM & FERGUSON, P.C.

Street Address: 2010 Corporate Ridge, Suite 600

City: McLean State: Virginia ZIP 22102

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit Account Number:

(Attach duplicate copy of this page if paying by deposit account)

090 BA 02/03/94 08180824

DO NOT USE THIS SPACE

581 \$40.00 CK

93419675

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Donald R. Studebaker

Name of Person Signing

[Signature]

Total number of pages comprising cover sheet, attachments and document: 3

4/13/94

- 1 -

ASSIGNMENT

For One Dollar and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, we, Ronald J. Persholtz, 1620 chester Mill Road, Silver spring, MD 20906 and Eric J. Elmquist, 3820 N. 13th Street, Arlington, Virginia 22201; hereby sell and convey unto Fox Network Systems Inc., A Maryland corporation, having offices at 1620 Chester Mill Road, Silver spring, MD 20906, its successors and assigns, the entire right, title and interest in and to our invention in

**SYSTEM AND METHOD FOR ACCESSING AND
OPERATING PERSONAL COMPUTERS REMOTELY**

described and claimed in an application for United States Letters Patent executed by us on this date, it being the only application so entitled executed by us on this date, which is a continuation-in-part of U.S. Serial No. 07/966,081, filed October 23, 1992, and in and to all Letters Patent, of the United States and foreign countries, including any divisions, continuations, reissues and extensions thereof, that may be obtained therefor; and we hereby authorize and request the Commissioner of Patents to issue any and all Letters Patent that may be granted for said invention to said Fox Network Systems, Inc., its successors and assigns, and we agree that we will, without additional compensation, but without cost to us, promptly communicate to said Fox Network Systems, Inc., or its representatives any facts known to us respecting said invention whenever requested, and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said assignee, its

REEL 851 FRAME 150

- 2 -

successors and assigns, as and when requested by them, in obtaining and enforcing proper patent protection for said invention or inventions and improvements, in the United States and all countries foreign thereto.

Signed and sealed this 12th day of January, 1994.

Ronald J. Perholtz

Ronald J. Perholtz

Eric Elmquest

Eric J. Elmquest

State of)
)
) ss.
County of)

On this 12th day of January, 1994, appeared Ronald J. Perholtz and Eric J. Elmquest, personally known to me, and by me personally known to be the person(s) who executed the above instrument, who being duly sworn, acknowledged that they executed the above instrument as their free and voluntary act.

Shelby P. Woody

Notary

(SEAL)

JAN 13 94

My Commission expires 9/30/97

PATENT AND TRADEMARK
OFFICE

REEL 6851 FRAME 751

ASSIGNMENT

WHEREAS, Fox Network Systems, Inc., (hereinafter ASSIGNOR), is a corporation duly organized and existing under the laws of the state of Maryland and doing business at 15200 Shady Grove Road, Suite 350, Rockville, Maryland 20850, and having been assigned all right, title and interest in a certain invention entitled "System and Method For Remote Monitoring And Operation of Personal Computers" for which United States Patent No. 5,732,212, (hereinafter "the '212 patent") issued on March 24, 1998.

WHEREAS, ASSIGNOR hereby warrants and confirms that ASSIGNOR has the full right to convey all rights, as herein expressed, to the '212 patent and the invention embodied therein;

AND WHEREAS, Cybex Computer Products Corp., (hereinafter ASSIGNEE), is a corporation duly organized and existing under the laws of the State of Alabama and doing business at 4991 Corporate Drive, Huntsville, Alabama 35805-5906, is desirous of acquiring all interest therein.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration not herein recited, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR by these presents hereby sells, assigns, and transfers unto the said ASSIGNEE, its successors, assigns, and legal representatives, the full and exclusive right to the '212 patent, including the right to sue for past, present, and future damages and to prosecute any re-issue patent applications based on the '212 patent, or re-examination(s) thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and

Industrial Models, and any other international agreements to which the United States of America adheres, and hereby authorizes and requests the Commissioner of Patents and Trademarks to record the assignment of the '212 patent to ASSIGNEE, for its interest as ASSIGNEE, for the sole use and behalf of ASSIGNEE, its successors, assigns, and legal representatives.

And, ASSIGNOR hereby agrees to transfer a like interest upon request of said ASSIGNEE, its successors, assigns, and legal representatives, and without further remuneration, in any patent obtained through a re-issue proceeding, an application for re-examination, or a patent interference proceeding growing out of or related to the '212 patent; and to execute any papers ASSIGNEE, its successors, assigns, and legal representatives, deem essential to ASSIGNEE's full protection and title in and to the invention hereby transferred (including any potential re-issue, re-examination, or patent interference based on the '212 patent), and for maintaining any resulting patent concerning said invention.

Executed this 20 day of November, 1998.

Fox Network Systems, Inc.

By: Robin Anderson

Robin Anderson, President

Ronald J. Repetti

Vice President

Witnessed by:

Name: Jefferson Lewis Date: 11/20/98

Name: _____ Date: _____

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

5732212

March 24, 1998

System and method for remote monitoring and operation of personal computers

REISSUE: Reissue Application filed Jan. 12, 1998 (O.G. Mar. 2, 1999) Ex. Gp.: 2756; Re. S.N. 09/228,747, (O.G. March 2, 1999)

March 4, 2002 - Reissue Application filed Ex. Gp.: 2152; Re. S.N. 10/032,325 (O.G. February 11, 2003)

INVENTOR: Perholtz, Ronald J., Silver Spring, MD; Elmquest, Eric J., Arlington, VA

APPL-NO: 180824 (08)

FILED-DATE: January 13, 1994

GRANTED-DATE: March 24, 1998

ASSIGNEE-AT-ISSUE: Fox Network Systems, Inc., Rockville, MD

ASSIGNEE-AFTER-ISSUE: January 13, 1994 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., FOX NETWORK SYSTEMS, INC. 1620 CHESTER MILL ROAD SILVER SPRING, MD 20906, Reel and Frame Number: 006851/0749

December 15, 1998 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., CYBEX COMPUTER PRODUCTS CORP. 4991 CORPORATE DRIVE HUNTSVILLE ALABAMA 35805, Reel and Frame Number: 009638/0107

February 25, 1999 - NONE ASSIG. & TRSFR. OF INT'L PROP. INT. (2 DOCS), CYBEX COMPUTER PRODUCTS CORPORATION 4991 CORPORATE DRIVE HUNTSVILLE ALABAMA 3 5805, Reel and Frame Number: 009790/0268

LEGAL-REP: Sixbey, Friedman, Leedom & Ferguson, P.C.; Robinson, Eric J.

REL-DATA:

Addition of Ser. No. 5566339

Addition of Ser. No. 966081, October 23, 1992

US-MAIN-CL: 709#224

SEARCH-FLD: 395#200, 395#800, 395#500, 395#575, 395#700, 395#775, 395#725, 395#207.7, 395#200.11, 395#20, 395#72, 395#838, 395#200.09, 371#16-22

IPC-MAIN-CL: G 06F011#0

PRIM-EXMR: Geckil, Mehmet B.

ENGLISH-ABST:

A system and method for accessing, controlling and monitoring a data processing device in which a video raster signal from the data processing device is analyzed to determine the information displayed on a video display monitor attached to the data processing device is used. The video raster signal is converted to a digital form and a cyclic redundancy check is performed on the digital data to determine the information contained in the video raster signal and to generate a compressed representation of that information. The information may then easily and quickly be transmitted to a remote location for analysis and review. Additionally, commands from the remote location can be transmitted to the system to control the data processing device.

LEXIS-NEXIS
Library: PATENT
File: ALL

Apex Inc. v. Raritan Computer, Inc.

01 CIV. 4435 (MP)

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK**

187 F. Supp. 2d 141; 2002 U.S. Dist. LEXIS 3466

February 25, 2002, Decided

SUBSEQUENT HISTORY: *Vacated by, Remanded by Apex Inc. v. Raritan Computer, Inc., 2003 U.S. App. LEXIS 6321 (Fed. Cir., Apr. 2, 2003)*

DISPOSITION: **[**1]** Defendant's cross claims, dismissed, without prejudice, and all pending motions denied as moot. Judgment entered pursuant to Rule 58(c) Fed. R. Civ. P.

OPINION:

... **[*145] [**5]** same day, Apex mailed still another Supplemental IDS citing over 100 prior art references, including for the first time Perholtz *et al.* United States Patent No. 5,732,212 ("the Perholtz patent").

On December 4, 1998, the Examiner indicated that he had reviewed the newly cited references and issued a Supplemental Notice of Allowability, again without any Statement of Reasons for Allowance. **[**6]**

On February 3, 1999, ...

**LEXIS-NEXIS
Library: PATENTS
File: CASES**

1 of 2 DOCUMENTS

Copyright 1999 Business Wire, Inc.
Business Wire

February 24, 1999, Wednesday

DISTRIBUTION: Business Editors

LENGTH: 556 words

HEADLINE: Cybex Computer Products Announce Stipulation in Patent Litigation .

DATELINE: HUNTSVILLE, Ala.

BODY:

...without prejudice. Cybex recently asked the Patent and Trademark Office to evaluate the validity of Apex's U.S. Patent No. 5,721,842 (the patent asserted in the lawsuit) in light of Cybex's U.S. Patent No. 5,732,212. As a result and pursuant to the Stipulation and Agreed Order to Dismiss Without Prejudice, patent validity issues raised in connection with the District Court lawsuit will now be heard before the United States Patent and ...

LEXIS-NEXIS
Library: NEWS
File: CURNWS

2 of 2 DOCUMENTS

Copyright 1999 Business Wire, Inc.
Business Wire

February 24, 1999, Wednesday

DISTRIBUTION: Business Editors

LENGTH: 591 words

HEADLINE: Apex PC Solutions Announces Patent Dispute Moves to U.S. Patent Office

DATELINE: WOODINVILLE, Wash.

BODY:

...issues regarding the validity of Apex's existing U.S. Patent No. 5,721,842 (the patent that is the basis of Apex's infringement claims against Cybex in the District Court lawsuit) in light of U.S. Patent No. **5,732,212**, which Cybex recently acquired as part of its acquisition of Fox Network Systems Corporation. Rather than proceeding simultaneously in two different forums (with the attendant duplicative expenses), the parties agreed to seek expedited consideration of the patent ...

No Documents Found!

No documents were found for your search (5732212 or 5,732,212).
Please edit your search and try again. You may want to try one or
more of the following:

- Check for spelling errors.
- Remove some search terms.
- Use more common search terms.
- If applicable, look for all dates.

[Edit Search](#)

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LEXIS-NEXIS
Library: PATENT
File: JNLS

?us5732212/pn

** SS 3: Results 1

Search statement 4

?prt full nonstop legalall

1/1 PLUSPAT - (C) QUESTEL-ORBIT- image
PN - US5732212 A 19980324 [US5732212]
TI - (A) System and method for remote monitoring and operation of personal computers
PA - (A) FOX NETWORK SYSTEMS INC (US)
PA0 - Fox Network Systems, Inc., Rockville MD [US]
IN - (A) PERHOLTZ RONALD J (US); ELMQUEST ERIC J (US)
AP - US18082494 19940113 [1994US-0180824]
FD - C.I.P. of US966081 19921023 [1992US-0966081]
- Continuation-in-part of: US5566339
PR - US18082494 19940113 [1994US-0180824]
- US96608192 19921023 [1992US-0966081]
IC - (A) G06F-011/00
EC - G06F-001/00N5A
- G06F-001/26
- G06F-003/023
- G06F-003/14T
- G06F-011/273R
- G06F-021/00N5A
- H04L-012/12
- H04L-029/06
- H04M-011/04B
ICO - S06F-011/10
- S06F-011/32
- S06F-011/34T12
- S06F-201/302
- T04L-029/06C4
PCL - ORIGINAL (O) : 709224000; CROSS-REFERENCE (X) : 709217000 710018000
DT - Corresponding document
CT - US4353092; US4641262; US4833625; US5084875; US5109350; US5124622;
US5140435; US5153886; US5170466; US5193174; US5237677; US5315512;
US5327243; US5349675; US5379409; US5388252; US5404493; US5444849;
US5452093
- David Stone, "A new generation in the wings" PC Magazine, Dec. 8,
1992, v11, n21, p. 322.

"Navigating the Perils of Remote Control" by David Willis and Bruce
Broadman, Network Computing, Oct. 1, 1993, pp. 44-62.

"Novell Unwraps Remote-Access Ware" by Michael Dortch, Communications
Week, Sep. 13, 1993, p. 12.

"Remote Power On/Off", Computer Discount Warehouse Catalog, 1993, p.
26.

"Sentry Remote Power Manager", Ad in Network Computing, Sep., 1993, p.
204.

"Commander" by Cybex Corporation.

"Master Console" by Raritan Computer, Inc.

"Keyplex" by Data Vision, Inc.

"Picture Phone" by Home Automation Laboratories, p. 37.

"AT&T Video Phone" by AT&T.

"Map Assist" by Fresh Technology.

"LANTastic" by Artisoft Corporation, Ad in PC Magazine, Apr. 14, 1992, p. 6.

"Carbon Copy Plus, Reference Manual for Lan Connections"-Microcom.

"Add-in Boards Lower Cost Of Capturing Video", an article by Erica Schroeder.

"VGA-TV Converter" appearing in Black Box Catalog from Black Box Corporation, pp. V8-V9.

"Indeo Technology--Real-Time Video Compression--Intel Technology Briefing".

"Plugging Into The Lan From the Road" by Frank Derfler, Jr., PC Magazine, Aug., 1993, pp. NE1, NE4, NE6.

"Improving Information Access" by Mike Byrd, PC Magazine, Apr. 1991, pp. 101-197.

"Simple or Simplistic" by Frank Derfler, Jr., PC Magazine, Apr. 27, 1993, pp. 239-293.

"OCR Gets You From There to Here" by Mitt Jones, PC Magazine, Jul., 1992, pp. 267-319.

STG - (A) United States patent

AB - A system and method for accessing, controlling and monitoring a data processing device in which a video raster signal from the data processing device is analyzed to determine the information displayed on a video display monitor attached to the data processing device is used. The video raster signal is converted to a digital form and a cyclic redundancy check is performed on the digital data to determine the information contained in the video raster signal and to generate a compressed representation of that information. The information may then easily and quickly be transmitted to a remote location for analysis and review. Additionally, commands from the remote location can be transmitted to the system to control the data processing device.

1/1 LGST - (C) EPO

PN - US5732212 A 19980324 [US5732212]

AP - US18082494 19940113 [1994US-0180824]

ACT - 19940113 US/AS02-A

ASSIGNMENT OF ASSIGNOR'S INTEREST

OWNER: FOX NETWORK SYSTEMS, INC. 1620 CHESTER MILL ROAD SI; EFFECTIVE

DATE: 19940112

- 19940113 US/AS02-A

ASSIGNMENT OF ASSIGNOR'S INTEREST

OWNER: FOX NET; EFFECTIVE DATE: 19940112

- 19940113 US/AS02-A

ASSIGNMENT OF ASSIGNOR'S INTEREST

OWNER: PERHOLTZ, RONALD J.; EFFECTIVE DATE: 19940112

- 19940113 US/AS02-A

ASSIGNMENT OF ASSIGNOR'S INTEREST

OWNER: ELMQUEST, ERIC J.; EFFECTIVE DATE: 19940112

- 19981215 US/AS02-A

ASSIGNMENT OF ASSIGNOR'S INTEREST

OWNER: CYBEX COMPUTER PRODUCTS CORP. 4991 CORPORATE DRIVE; EFFECTIVE

DATE: 19981120
- 19981215 US/AS02-A
ASSIGNMENT OF ASSIGNOR'S INTEREST
OWNER: FOX NETWORK SYSTEMS, INC.; EFFECTIVE DATE: 19981120

- 19990225 US/AS99-A

OTHER ASSIGNMENTS

CYBEX COMPUTER PRODUCTS CORPORATION 4991 CORPORATE DRIVE HUNTSVILLE,
ALABAMA 358 * FOX NETWORK SYSTEMS CORPORATION, D/B/A/ FOX NETWORK
SYSTEMS, INC. : 19990129 OTHER CASES: NONE; ASSIG. & TRSFR. OF INT'L
PROP. INT. (2 DOCS)

- 19990302 US/RF-A

REISSUE APPLICATION FILED
EFFECTIVE DATE: 19990112

- 20030211 US/RF-A

REISSUE APPLICATION FILED
EFFECTIVE DATE: 20020304

UP - 2003-22

1/1 CRXX - (C) CLAIMS/RRX
PN - 5,732,212 A 19980324 [US5732212]

PA - Fox Network Systems Inc

ACT - 19981215 REASSIGNED

ASSIGNMENT OF ASSIGNORS INTEREST

Assignor: FOX NETWORK SYSTEMS, INC. DATE SIGNED: 11/20/1998

Assignee: CYBEX COMPUTER PRODUCTS CORP. 4991 CORPORATE DRIVE
HUNTSVILLE ALABAMA 35805

Reel 009638/Frame 0107

Contact: NIXON & VANDERHYE P.C. H. WARREN BURNAM, JR. 1100 NORTH GLEBE
ROAD 8TH FLOOR ARLINGTON, VA 22201

- 19990112 REISSUE REQUESTED

ISSUE DATE OF O.G.: 19990302

REISSUE REQUEST NUMBER: 09/228747

EXAMINATION GROUP RESPONSIBLE FOR REISSUEPROCESS: 2756

Reissue Patent Number:

- 19990225 REASSIGNED

ASSIG. & TRSFR. OF INT'L PROP. INT. (2 DOCS)

Assignor: FOX NETWORK SYSTEMS CORPORATION, D/B/A/ FOX NETWORK SYSTEMS,
INC. DATE SIGNED: 01/29/1999

Assignee: CYBEX COMPUTER PRODUCTS CORPORATION 4991 CORPORATE DRIVE
HUNTSVILLE ALABAMA 35805

Reel 009790/Frame 0268

Contact: RUSSELL CARTER GACHE', ESQ. POST OFFICE BOX 55727 BIRMINGHAM,
AL 35255

- 20020304 REISSUE REQUESTED

ISSUE DATE OF O.G.: 20030211

REISSUE REQUEST NUMBER: 10/032325

EXAMINATION GROUP RESPONSIBLE FOR REISSUEPROCESS: 2152

Reissue Patent Number: